

REMARKS

Claims 1-13, 24-29, and 51-53 are currently pending. By this amendment, claims 1 and 12 have been amended. No new matter has been added. Claims 24-29 have been indicated as allowable.

Rejections under 35 U.S.C. §101

Claims 1-13 and 51-53 have been rejected under 35 U.S.C. §101 on the basis that the claims recite process steps that are not tied to a particular apparatus nor transform underlying subject matter.

Independent claims 1 and 12 have been amended to recite process steps that occur in a transmitter and receiver as applicable to each claim. Applicants respectfully submit that claims 1 and 12 are tied to a statutory category (i.e., apparatus). Therefore, claims 1 and 12 recite statutory subject matter. Claims 2-11, 13, and 51-53 depend respectively from claims 1 and 12, and also recite statutory subject matter.

Rejections under 35 U.S.C. §102

Claims 12 and 53 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 7,224,906 to Cho. Applicants traverse this rejection, and respectfully assert that Cho does not qualify as prior art under 35 U.S.C. § 102(e).

Applicants' application has a filing date of May 31, 2001. The non-provisional filing date of Cho's U.S. Patent No. 7,224,906 is February 28, 2002. There are number of applications to which Cho claims priority. However, only one provisional application, U.S. Provisional Application Serial No. 60/234,930 (hereinafter "'930 provisional application'"), has a filing date that is prior to Applicants' May 31, 2001 filing date. Applicants respectfully submit that Cho's '930 provisional application does not disclose all of the features in U.S. Patent No. 7,224,906 relied upon by the Examiner.

With specific regard to claim 12, Cho's '930 provisional application does not provide for the claimed quadrature modulated optical data signal, nor does it disclose or suggest the claimed reducing in the transmitter power to zero such that the transmitted power decreases to zero at approximately a mid point of each the transitional states. For at least the above

reasons, Cho's 7,224,906 patent does not qualify as prior art with respect to claim 12.

Accordingly, claims 12 and 53 are allowable.

Claims 51-53 depend from claim 12, and are patentable for the same reasons. Accordingly, Applicants request that the Examiner withdraw the instant rejection, and indicate that claims 12, 13 and 51-53 are allowable.

CONCLUSION

Claims 1-13 and 51-53 recite statutory and allowable subject matter. Applicants request withdrawal of the rejections.

Applicants assert that all claims pending in the present application are in condition for allowance and respectfully request that the Examiner pass this case to issuance at the Examiner's earliest convenience.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application. Applicants authorize payment of the appropriate fees under 37 CFR §§1.16 or 1.17 and crediting any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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